

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

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|-------------------------------------|---|-----------------|
| JOE COMES and RILEY PAINT, INC., an | : | No. 05-cv-00562 |
| Iowa corporation,                   | : |                 |
|                                     | : |                 |
| Plaintiffs,                         | : |                 |
|                                     | : |                 |
| v.                                  | : |                 |
|                                     | : |                 |
| MICROSOFT CORPORATION,              | : |                 |
| a Washington corporation,           | : |                 |
|                                     | : |                 |
| Defendant.                          | : |                 |

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AFFIDAVIT OF BRENT B. GREEN IN SUPPORT OF  
MICROSOFT'S MEMORANDUM IN  
OPPOSITION TO PLAINTIFFS' MOTION TO REMAND

I, Brent B. Green, being duly sworn, depose and state as follows:

1. I am a member of the firm of Duncan, Green, Brown & Langeness, a professional corporation, attorneys for Microsoft in this action.
2. Attached hereto as Exhibit A is a copy of Plaintiffs' Motion to Amend Petition and the proposed Fourth Amended Petition, filed September 16, 2005, in *Comes v. Microsoft Corp.*, CL82311 (Iowa Dist. Ct., Polk County).
3. Attached hereto as Exhibit B is a copy of a blackline provided by plaintiffs purporting to show the differences between the Third Amended Petition and the proposed Fourth Amended Petition in *Comes v. Microsoft Corp.*, CL82311 (Iowa Dist. Ct., Polk County).
4. Attached hereto as Exhibit C is a copy of the complaint filed on June 18, 2002 in *Burst.com, Inc. v. Microsoft Corp.*, No. 02-cv-2952 (N.D. Cal.).

5. Attached hereto as Exhibit D is a copy of the Statement of Removal, filed October 13, 2005 at 12:02 p.m., in *Comes v. Microsoft Corp.*, CL82311 (Iowa Dist. Ct., Polk County).

6. Attached hereto as Exhibit E is a copy of the Conditional Transfer Order entered by the Clerk of the Judicial Panel on Multidistrict Litigation on October 31, 2005 in *In re Microsoft Corp. Antitrust Litig.*, No. 1332 (JPML).

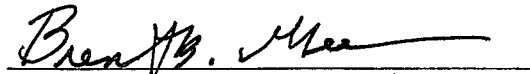
7. Attached hereto as Exhibit F is a copy of plaintiffs' Notice of Withdrawal of Certain Statements in Plaintiffs' Proposed Fourth Amended Petition, filed October 13, 2005 at 3:07 p.m., in *Comes v. Microsoft Corp.*, CL82311 (Iowa Dist. Ct., Polk County).

8. Attached hereto as Exhibit G is a copy of plaintiffs' Notice of Modification of Proposed Fourth Amended Petition, filed on October 18, 2005, in *Comes v. Microsoft Corp.*, No. 05-cv-00562 (S.D. Iowa).

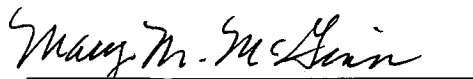
9. Attached hereto as Exhibit H is a copy of a portion of the Affidavit of Jeffrey K. MacKie-Mason in Support of Plaintiffs' Motion for Class Certification, sworn to March 3, 2003, in *Comes v. Microsoft Corp.*, CL82311 (Iowa Dist. Ct., Polk County).

10. Attached hereto as Exhibit I is a copy of a portion of the Ruling on Plaintiffs' Motion to Compel Discovery and Defendant's Motion for a Protective Order, dated July 22, 2005, in *Comes v. Microsoft Corp.*, CL82311 (Iowa Dist. Ct., Polk County).

FURTHER AFFIANT SAITH NOT.

  
Brent B. Green

Subscribed and sworn to before me  
this 4th day of November, 2005.

  
Notary Public

